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AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Syed HUSSAIN

Case: 2:17-mj-30307
Assigned To : Unassigned
Assign. Date : 6/20/2017
Description: CMP USA V HUSSAIN
(BG)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 19, 2017 in the county of Jackson in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. Section 2251(a)

Offense Description

Attempted Production of child pornography

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: June 20, 2017City and state: Detroit, Michigan
Complainant's signatureSpecial Agent David Alley, Department of Homeland Security
Printed name and title
Judge's signatureMona K. Majzoub, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, David Alley, being first duly sworn, state as follows:

I. INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), in Detroit, Michigan assigned to the Special Agent in Charge (SAC), Office of Investigations (OI) in Detroit, Michigan. I have been a Special Agent with HSI since March of 2007. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received a Bachelor's Degree in Criminal Justice and a Master's Degree in Criminal Justice from Michigan State University. I have successfully completed the Basic Computer Evidence Recovery Training (BCERT) at FLETC and the Cyber Crime Center Mobile and Cellular Device Data Extraction course. I currently possess an A+ certification.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Syed HUSSAIN (DOB

XX/XX/1984) for the attempted production of child pornography in violation of 18 U.S.C. § 2251(a).

3. This affidavit is based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. The information contained herein is provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. I have not included every fact known to me, I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for Syed HUSSAIN.

4. Pursuant to the provisions of 18 U.S.C. § 2256, "child pornography," as used in this affidavit, includes any visual depiction, including any photograph, film, video, picture, or computer generated image or picture of sexually explicit conduct where the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct.

II. SUMMARY OF THE INVESTIGATION

5. At approximately 10:20 am on June 19, 2017, HUSSAIN presented himself for entry into the United States at the Detroit/Windsor tunnel. During inspection for entry, it was determined that HUSSAIN required an I-94 arrival/departure form. Customs and Border Protection Officers (CBPO) directed him to secondary inspection.

6. At secondary, HUSSAIN told a CBPO that he was traveling to visit a friend, that he met online, who lives in Jackson, Michigan. HUSSAIN gave the name of the friend but could not recall her age or date of birth. HUSSAIN thought she was approximately sixteen years-old. HUSSAIN admitted he had some bad pictures on his phone. He asked if he should delete them. The CBPO then asked him who was in the bad pictures. HUSSAIN indicated both himself and Minor Victim (hereafter MV-1)

7. On June 19, 2017, Affiant took possession of these devices pursuant to the border search authority. The application "Nearby" was found on HUSSAIN's phone. Nearby is a mobile phone application. Nearby advertises that you can "instantly meet people near you or around the world. Discovery new friends at a local bar or from the other

side of the planet. Millions of people are connecting and meeting every day.”¹

8. Affiant reviewed the contents of HUSSAIN’s phone. Affiant found a lengthy conversation between HUSSAIN and MV-1 through the Nearby application. In the conversation, HUSSAIN engaged MV-1 in sexually explicit conversation. He repeatedly requested nude images from her. HUSSAIN and MV-1 also make plans to meet at a park in Jackson, Michigan.

9. In HUSSAIN’s conversations with MV-1, the following messages are exchanged:

- a. May 28, 2017: MV-1 writes a message to HUSSAIN that states, “I’m 16 years old.”
- b. June 14, 2017:
 - i. At 9:01 pm, HUSSAIN writes to MV-1, “[S]ee that right now I’m dirty. Now show me yours.” MV-1 responds “no.”

¹ NEARBY, <https://www.wnmlive.com/about> (last visited June 20, 2017).

- ii. At 9:07 pm, HUSSAIN writes to MV-1
"Take my penis in your vagina," and MV-1
responds "ok."

c. June 14, 2017:

- i. At 9:14 pm, MV-1 writes to HUSSAIN "I
like u" and HUSSAIN responds, "if you will
be mine I swear we will travel the whole
world together."
- ii. At 9:21 pm, HUSSAIN writes to MV-1
"what do u like in sex? Like what is your
fav position?"
- iii. At 10:54 pm, HUSSAIN writes to MV-1
"Can I see u? Like naked ... baby? I need it
I'm feeling horny ..." MV-1 responds "no"
and HUSSAIN writes "I would love u more
if you do that please. Do u wanna lose me?"

d. June 14, 2017:

- i. At 4:09 am, HUSSAIN writes "Yeah I will
kiss your every body part including your

lips. If we find the privacy I will eat your vagina badly.”

- ii. At 4:09 am that same day, HUSSAIN writes, “Can you stay in a motel or hotel for one night with me if I come?”

e. June 15, 2017:

- i. At 3:17 am, HUSSAIN writes to MV-1 “I wanna see u naked. Before coming to Jackson.”
- ii. At 3:20 am, HUSSAIN writes, “Jackson trip cost me C\$250, I can afford it but I must be sure. I wanna book my room and everything. I wanna come for 2 days. So that we maximize our love and fun time.”
- iii. At 8:48 pm, MV-1 writes to HUSSAIN “r u coming tomorrow” HUSSAIN responds, “I will see ! until you send me the pics baby!” MV-1 responds “what [] pics?” and

HUSSAIN replies "The one that I asked

N U D E"

- f. June 16, 2017: At 8:04 am, in the context of discussing HUSSAIN's trip to Jackson to visit MV-1, he writes, "I wanna come but I am afraid that it wouldn't be a scam or something u are underage right?" MV-1 responds "yeah 16."
- g. June 17, 2017: At 4:46 pm, HUSSAIN writes to MV-1 "Do you want to meet at hotel room or in park?" MV-1 responds "idc I don't have money to go anywhere but the park." HUSSAIN asks, "If I book hotel room will you feel comfortable with me?" MV-1 responds "idk. maybe."²
- h. June 19, 2017:
 - i. At 6:58 am, HUSSAIN writes to MV-1 "I'm leaving at 8:30 for US."

² Based on Affiant's training and experience from prior child exploitation investigations, Affiant believes the acronyms "idc" and "idk" can be used to connote "I don't care," and "I don't know," respectively.

- ii. At 7:00 am, he writes her again stating "See u at xxx park."

10. Affiant interviewed HUSSAIN at the border. HUSSAIN confirmed that he was going to meet MV-1 in xxx Park in Jackson. He stated that he believes MV-1 is between 16 and 18 and is in high school. HUSSAIN admitted to requesting nude images of MV-1 but stated that she would not send any nude images to him. Affiant reviewed the contents of HUSSAIN's phone. Affiant did not find any pictures of MV-1 that would constitute child pornography.

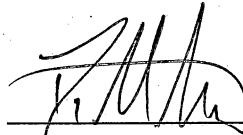
11. Affiant identified MV-1 and determined she lived in the area of Jackson, Michigan. Affiant scheduled a child forensic interview for Wednesday June 21.

12. Affiant's review of HUSSAIN's phone did find sexually explicit images of another individual who, based on her self-reported profile on the Nearby application, states she is eighteen years-old. However, after reviewing the images sent to HUSSAIN, Affiant believes that this individual is younger than eighteen years-old.

III. CONCLUSION

13. Probable cause exists that Syed HUSSAIN attempted to produce child pornography in violation of 18 U.S.C. § 2251(a).

Respectfully submitted,



Dave Alley, Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to before me
on this 20th day of June 2017.



MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE